



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

September 23, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ORDINANCE AMENDING TITLE 12 OF THE LOS ANGELES COUNTY CODE
RELATING TO PERMIT REQUIREMENTS AND BILLING PROCEDURES FOR
HAZARDOUS WASTE GENERATOR, HAZARDOUS MATERIALS HANDLER, AND
CALIFORNIA ACCIDENTAL RELEASE PREVENTION PROGRAM PERMITS FOR
FISCAL YEAR 2008-09
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

The subject ordinance amendments revise the fee collection process for annual permit fees for the Hazardous Waste, Hazardous Materials Handler and California Accidental Release Prevention (Cal-ARP) Programs for Fiscal Year 2008-09. In addition, ordinance amendments revise the terms used in the County Code to be consistent with those found in California statutes and regulations.

**IT IS RECOMMENDED THAT YOUR HONORABLE BOARD ACTING AS THE
GOVERNING BODY OF THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS
ANGELES COUNTY (DISTRICT) AFTER THE PUBLIC HEARING:**

1. Find that the changes in the fee collection process for annual fees are adopted for the purpose of meeting operational expenses is exempt from the California

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDALE
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations (the State CEQA Guidelines).

2. Introduce, waive reading and place on subsequent agenda for adoption of the attached ordinance amending Title 12 of the County Code.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

The amendments to Title 12 of the County Code will:

1. Improve enforcement of permit requirements particularly for facilities found operating without the necessary permits and improve fee collection efforts by adopting changes recommended by County Counsel to clarify ordinance language and facilitate delinquent account referrals to the Treasurer and Tax Collector (TTC).
2. Make ordinance language consistent with California statutes.
3. Facilitate standard County fee payments under the single-fee system mandated by the Unified Program by simplifying the fee collection process and allowing businesses to pay within a sixty-day period, beginning with the Fiscal Year 2008-09 billing period.

The ordinance amendments facilitate the referral of delinquent accounts to the TTC for fee collection actions in accordance with County fiscal policy and streamlines the account billing and referral process by shortening the time required to place liens and refer the account to the TTC. This will improve the fee collection efforts taken against delinquent accounts and ensure businesses subject to permit requirements are paying their appropriate share of program costs.

The ordinance amendments eliminate references to "license" and substitutes "permit" to be consistent with State statutes dealing with the Unified Program. The ordinance amendments will also allow lien placement for the failure to pay permit fees 30 days after the delinquency date (versus the current 90 days), clarify the definition of "permittee" to improve collection efforts and facilitate referrals to the TTC for fee collection actions.

A two-payment plan was implemented with the advent of the Unified Program single fee system to mitigate the higher combined permit annual fees brought about by consolidation of six environmental programs under one single fee system. However, implementation of the two-payment plan has proven to be very inefficient and labor intensive. Furthermore, customized accounting reports are necessary rather than standard accounting software reports that come with the database system being used. Ordinance amendments will revise the payment plan and instead allow 60 days for full payment in conformance with other County fee payment protocols and procedures.

The annual permit fees for the Hazardous Waste Generator, Hazardous Materials Handler and the Cal-ARP programs will remain the same as previously approved for Fiscal Year 2007-08.

Implementation of Strategic Plan Goals

Fiscal Responsibility: Adoption of the proposed ordinance amendments will allow standard accounting methods to be used for the annual permits issued for the Hazardous Materials Handler, Hazardous Waste Generator, and Cal-ARP Programs that are administered by the District. Adoption will facilitate the billing process for the single fee system mandated by the Unified Program. Changes in ordinance language will facilitate improved enforcement of permit requirements and fee collection efforts by allowing referral of delinquent accounts to the TTC in accordance with County fiscal policy.

Public Safety: Adoption of the ordinance amendments will strengthen enforcement options for facilities found operating without the necessary hazardous waste and hazardous materials permits. Facilities operating without inspection oversight and not in compliance with regulatory requirements pose a risk to the community by handling hazardous materials or generating/disposing of hazardous wastes improperly. Improved enforcement of permit requirements for all facilities will benefit public safety and the environment.

FISCAL IMPACT/FINANCING

The ordinance amendments will allow more streamlined and efficient accounting of annual permit fees and standardized accounting reports rather than the customized reports and invoices currently required. Strengthening the language for enforcement of permit requirements will facilitate various enforcement options and allow more effective enforcement of permit requirements on facilities found operating without the necessary permits. Capturing additional facilities within the permit universe will benefit public safety by ensuring more facilities fall under inspection and regulatory oversight. This would benefit the regulated community by ensuring everyone is paying their appropriate share of the program costs.

There is no impact on net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The billing procedure revisions will be effective in all areas under the jurisdiction of the Los Angeles County Certified Unified Program Agency (CUPA) beginning with Fiscal Year 2008-09. Invoices for these facilities will be generated and mailed throughout the fiscal year.

Changes in the permitting and enforcement language in Title 12 of the County Code have been approved as to form by County Counsel. Sections 66018 and 6062(a) of the California Government Code requires publication of the notice of public meeting shall be for 10 days in a newspaper regularly published at least once a week.

ENVIRONMENTAL DOCUMENTATION

The ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)3 of the CEQA Guidelines.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

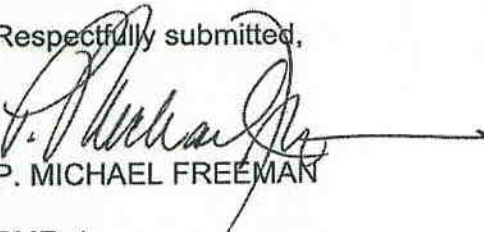
Implementation of fee collection procedures consistent with standard County fiscal policy will improve efficiencies of operation. Changes in lien placement for delinquent accounts will strengthen fee collection efforts as well as streamline referrals for collection purposes.

CONCLUSION

Upon approval by the Board of Supervisors, please instruct the Executive Officer to return adopted copies of this letter to:

1. Consolidated Fire Protection District of Los Angeles County
Executive Office
1320 N. Eastern Avenue
Los Angeles, CA 90063
Attention: Chief Deputy Michael W. Dyer
2. Consolidated Fire Protection District of Los Angeles County
Health Hazardous Materials Division
5825 Rickenbacker Road
Commerce, CA 90040
Attention: William Jones, Division Chief

Respectfully submitted,



P. MICHAEL FREEMAN

PMF:yh

Attachments

- c: William T Fujioka
R. Doyle Campbell
Auditor-Controller
County Counsel
Treasurer and Tax Collector



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.
County Counsel

July 28, 2008

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(213) 633-0901
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Skuhn@counsel.lacounty.gov

P. Michael Freeman, Fire Chief
Fire Department
1320 North Eastern Avenue
Los Angeles, California 90012

Attention: William Jones, Division Chief
Health Hazardous Materials Division

Re: Ordinance Amending Title 12 - Environmental Protection

Dear Chief Freeman:

As you requested, enclosed are the analysis and ordinance to amend Title 12 - Environmental Protection to revise billing, fee collection, and permitting procedures related to hazardous waste, hazardous materials, and the California Accidental Release Prevention Programs; to allow additional time for businesses to pay fee invoices, but to eliminate the installment payment program; and to revise ordinance language to improve permit and fee enforcement options for businesses found operating without a permit.

The analysis and ordinance may be presented to the Board of Supervisors for its consideration at a noticed public hearing.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By

A handwritten signature in dark ink, appearing to read "J. Scott Kuhn", is written over a horizontal line.

J. SCOTT KUHN
Senior Deputy County Counsel
Property Division

SK:gjh

Enclosures

ANALYSIS

This ordinance amends Title 12 - Environmental Protection of the Los Angeles County Code to revise the billing, fee collection, and permitting procedures for the hazardous materials, hazardous waste, and the California Accidental Release Prevention programs; to make the County Code consistent with state unified program statutes; to allow for improved enforcement and collection actions against businesses which do not pay their annual fees or which are found to be operating without a valid permit; and to eliminate the installment payment program, but allow additional time for businesses to pay fee invoices.

RAYMOND G. FORTNER, JR.
County Counsel

By 
SCOTT KUHN
Senior Deputy County Counsel
Property Division

SK:gjh

2/14/08 (requested)

7/28/08 (revised)

ORDINANCE NO. _____

An ordinance amending Title 12 - Environmental Protection of the Los Angeles County Code, relating to unified program permit requirements and hazardous materials and hazardous waste billing and permitting procedures.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 12.50.010 is hereby amended to read as follows:

12.50.010 Definitions.

The following definitions govern the construction of this chapter:

...

M. "Permittee" means any person who is issued a unified program facility permit.

MN. "Person" shall have the meaning set forth in section 25118 of the H&SC and means an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, and corporation, including, but not limited to, a government corporation. "Person" also includes any city, county, district, commission, state, or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

NO. "Program elements" means the six unified program elements specified in subsection 25404(c) of the H&SC, the administration of which are being consolidated under the unified program. "Program element" refers to any of the program elements.

OP. "Secretary" means the Secretary of the California Environmental Protection Agency.

PQ. "Unified program facility" or "facility" means all contiguous land and structures, other appurtenances, and improvements on the land which are subject to the requirements listed in subsection 25404(c) of the H&SC.

QR. "Unified program facility permit" or "permit" means a consolidated permit issued pursuant to this chapter. For the purposes of this chapter, a unified program facility permit encompasses the permits ~~or licenses~~ issued pursuant to: ~~S~~section 25284 of the H&SC and Division 4 of Title 11 of the County Code relating to the underground storage of hazardous materials; Chapter 12.52 of the County Code relating to the generation or handling of hazardous waste or extremely hazardous waste; Chapter 12.64 of the County Code relating to handling of hazardous materials or acutely hazardous materials; and those city codes or resolutions related to the unified program elements administered by those cities as participating agencies to the LACoCUPA.

SECTION 2. Section 12.50.040 is hereby amended to read as follows:

12.50.040 Program element county codes and fees.

A. The annual ~~permit~~-fees for the program elements administered by the LACoCUPA under the single fee system shall be established by the following chapters of the county code:

...

SECTION 3. Section 12.50.055 is hereby amended to read as follows:

12.50.055 Single fee system invoice -- Delinquency date.

"Delinquency date" means the ~~36~~1st day after the date of the invoice issued by the LACoCUPA for any of the annual fees assessed pursuant to this chapter. Invoice means any bill issued by the LACoCUPA for the fees assessed under this chapter.

SECTION 4. Section 12.50.060 is hereby amended to read as follows:

12.50.060 Late payment penalty.

If any fee required to be paid pursuant to Sections 12.50.040, ~~and 12.50.050,~~
and 12.50.075 of this chapter is not paid in full prior to the delinquency date as defined in Section 12.50.055 of this chapter, in addition to such fee(s), the facility or permittee shall pay a late payment penalty equal to 40 percent of the total assessed fee(s). If payment is made by mail, the date of payment is determined by the postmark date.

SECTION 5. Section 12.50.065 is hereby amended to read as follows:

**12.50.065 Delinquent fee payment--~~Lien against permittee~~
authorized when.**

If the fee(s) and any late payment penalty imposed pursuant to Sections 12.50.040, 12.50.050, ~~and 12.50.060,~~ and 12.50.075 of this chapter are not paid within ~~930~~90 days after the delinquency date, a certificate of lien may be recorded against the permittee or person liable for payment of such fee(s) and any late payment penalty as authorized by ~~S~~section 101345 of the California Health and Safety Code.

SECTION 6. Section 12.50.070 is deleted in its entirety.

~~12.50.070 Consolidated permit.~~

~~Upon receipt of full payment from a unified program facility for all the annual fees, including any late payment penalty and the state imposed service charge, assessed pursuant to this chapter and provided all of the applicable regulatory requirements for the permit have been met, the LACoCUPA shall issue a consolidated unified program facility permit to the unified program facility.~~

SECTION 7. Section 12.50.075 is hereby amended to read as follows:

12.50.075 Unified program facility Ppermit and payment of fees required.

Every person, business, or business concern within the jurisdiction of the LACoCUPA and subject to the requirements of one or more of the program elements shall be required to pay the applicable annual fees and any applicable late payment penalty and apply for, ~~pay the permit fees required by this chapter,~~ and obtain from the LACoCUPA a unified program facility permit for the program elements applicable to such facility prior to the commencement of any business or activity related to any of the program elements. Upon receipt of full payment from a unified program facility for all the annual fees, including previous unpaid annual fees, any late payment penalties and the state imposed service charge, assessed pursuant to this chapter and provided all of the applicable regulatory requirements for the permit have been met, the LACoCUPA shall issue a consolidated unified program facility permit to the unified program facility. Each such permit shall be renewable annually ~~renewed~~ as provided for in this chapter.

The permit required under this section shall be posted and conspicuously displayed at the location falling under the requirements of this chapter. Failure to pay the annual fee, late payment penalty, or state imposed service charge is a violation of this chapter and may subject the violator to collection action pursuant to Section 12.50.160 of this code.

SECTION 8. Section 12.50.080 is hereby amended to read as follows:

12.50.080 Permit--Application requirements.

...

E. If an application for a permit is withdrawn before it has been completely processed by the chief, and the applicant has not engaged in any activity for which the permit is required, the chief shall refund to the applicant 50 percent of the ~~permit~~annual fee. No refunds shall be made when the application has been completely processed.

SECTION 9. Section 12.50.085 is hereby amended to read as follows:

12.50.085 Permit--Period of validity--Renewals.

Unified program facility permits required by this chapter shall be issued for a ~~period of one~~each billing year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date, as defined in Section 12.50.055 of this chapter, contained in the invoice for each such year, of the fees assessed pursuant to Sections 12.50.040 and 12.50.050 of this chapter, or upon payment of such fees and any late payment penalty imposed pursuant to Section 12.50.060 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Unified program facility permits shall be deemed to have expired if payment of the

~~renewal~~annual fees and applicable penalties has not been made on or before the delinquency date of the invoice, as defined in Section 12.50.055 of this chapter.

SECTION 10. Section 12.50.095 is hereby amended to read as follows:

12.50.095 Reissuance of a lost permit.

Where a unified program facility permit has been lost ~~or where the permit has been reinstated following a permit revocation process~~, the chief shall issue a duplicate permit to the owner thereof upon submittal of a complete application pursuant to Section 12.50.080 and, in addition to any other requirements in this chapter, upon payment of all required and past due fees and penalties, and payment of a \$15.00 permit reissuance fee.

SECTION 11. Section 12.50.100 is hereby amended to read as follows:

12.50.100 Terms and scope of permit.

The unified program facility permit shall identify the effective date and term, the program elements for which issued, the specific conditions where applicable to program elements for which the permit is issued, the address where the program elements are located, and the person, business, or business concern to whom the permit is issued. The permit shall be valid only for the program elements at the identified locations for the identified persons, business, or business concern. If a person, business, or business concern changes activities such that program elements no longer apply at the unified program facility or new program elements or activities apply to the facility, the person, business or business concern shall notify the LACoCUPA in writing within 30 days of the change and the program elements or activities that have been added, deleted or

modified. No refunds of the ~~permit~~ fees or late payment penalties assessed under the provisions of this chapter will be issued to a person, business or business concern which ceases operations or activities for which those fees have been assessed during the ~~course of the term of a permit~~ or course of the billing year.

SECTION 12. Section 12.50.105 is hereby amended to read as follows:

12.50.105 Notice of permit hearing.

If the chief makes a preliminary determination that a person, business, or business concern to whom a unified program facility permit has been issued may not be conducting the permitted activities in accordance with applicable statutes, regulations, or minimum standards such that permit suspension or revocation may be required or has failed to timely pay the ~~permit~~required fees, the chief shall so notify such person, business, or business concern. The written notice shall briefly describe the violation and specify a time and place of a hearing at which such person, business, or business concern will be afforded an opportunity to present evidence showing there has been no such violation or that the violation has been corrected. The notice shall state that failure to appear and present such evidence may result in suspension or revocation of the permit.

SECTION 13. Section 12.50.112 is hereby amended to read as follows:

12.50.112 Operating without a valid permit.

No person, business, or business concern shall engage in, conduct, manage, or carry on any business or other activity for which a unified program facility permit is required under this chapter if:

A. They have not obtained a unified program facility permit for such business or activity pursuant to the provisions of this chapter and paid the required permit fees and penalties; or

B. The permit has expired or has been suspended or revoked.

SECTION 14. Section 12.50.140 is hereby amended to read as follows:

12.50.140 Disputes and appeals of permit fees.

Should a unified program facility dispute the amount or applicability of any fee, charge or late payment penalty charged for any program element, the facility shall:

...

SECTION 15. Section 12.50.150 is hereby deleted in its entirety.

~~12.50.150 Installment payment system.~~

~~LACoCUPA may implement, with the concurrence, where applicable, of the PA to the LACoCUPA, an installment payment system for unified program facilities requesting such service. If any installment payment is delinquent, a 40 percent late payment penalty shall be applied to the full amount of the single fee issued pursuant to Section 12.50.035 of this chapter. If any installment payment is not paid within 120 days of the original invoice date, a certificate of lien may be recorded pursuant to Section 12.50.065 of this chapter.~~

SECTION 16. Section 12.50.160 is hereby amended to read as follows:

12.50.160 Actions to eCollection of permit fees and late payment penalties.

The county treasurer tax collector may ~~bring suit for the~~undertake all necessary collection activities, including but not limited to bringing suit against any person, permittee, business, or business concern, to recovery of any permit fee or late payment penalty required by~~assessed pursuant to this chapter, imposed against any person, business, or business concern.~~

SECTION 17. Section 12.52.005 is hereby amended to read as follows:

12.52.005 Purpose and statutory authority of chapter provisions.

The purpose of the ordinance codified in this chapter is to ~~separate out from the public health license requirements of Title 8 of the Los Angeles County Code, delineate~~ the specific requirements for a hazardous waste regulatory and enforcement system for activities subject to Chapter 6.5 of Division 20 of the California Health and Safety Code, and Title 22 of the California Code of Regulations. ~~The public health license previously required for hazardous waste producers under Title 8 of the Los Angeles County Code is now established in this chapter as the Los Angeles County hazardous waste license, so that~~Unified program facility fees are established by this chapter for hazardous waste generators in order to offset the county expenses resulting from ~~enforcement~~implementation of the state statutes, rules, ~~or~~and regulations relating to hazardous waste ~~are offset by the license fees collected.~~ The authority for this chapter is ~~Ssections 510 and 25180~~25404.5 of the California Health and Safety Code.

SECTION 18. Section 12.52.015 is hereby amended to read as follows:

12.52.015 Definitions.

The following definitions govern the construction of this chapter:

...

~~L. "Hazardous waste license" is the license issued by the county to any hazardous waste generator who falls under the inspection authority of the forester and fire warden as defined in Section 12.50.025 of the County Code. "Hazardous waste license" also means a "unified program facility permit," defined in Section 12.50.010.P of the County Code, issued pursuant to Chapter 12.50 of the County Code to a "unified program facility," defined in Section 12.50.010.O of the County Code, which generates hazardous waste.~~

ML. "Large quantity generator" means a person, business, or business concern which generates more than 10,000 pounds of hazardous waste in any month.

M. "LACoCUPA" or "Los Angeles County Certified Unified Program Agency" means the county forester and fire warden as the designated agency certified by the Secretary of the California Environmental Protection Agency to implement the unified program specified in this chapter within the County of Los Angeles.

...

R. "Permittee" shall have the same meaning as defined in Section 12.50.010.

RS. "Recyclable material" has the meaning as defined in section 25120.5 of the California Health and Safety Code.

SI. "Recycle" means to use, reuse, or reclaim a hazardous waste or a substance from a hazardous waste, and includes the recovery of resources from a hazardous waste.

TU. "Tier of permit" or "permit tier" means the type of permit authorized under the Act, or regulations adopted pursuant to the Act, for hazardous waste generators conducting treatment of hazardous waste. The three permit tiers are as follows:

- (1) permit-by-rule authorized pursuant to regulations adopted by the Department of Toxic Substances Control of the California Environmental Protection Agency;
- (2) conditional authorization pursuant to section 25200.3 of the California Health and Safety Code; and
- (3) conditional exemption pursuant to section 25201.5 of the California Health and Safety Code.

UV. "Treatment" means treatment as defined in section 25123.5 of the California Health and Safety Code.

W. "Unified Program" means the program specified in sections 25404 through 25404.9 of the California Health and Safety Code to consolidate the administration of the six environmental programs described in section 25404(c) of the California Health and Safety Code.

X. "Unified program facility permit" shall have the same meaning as defined in Section 12.50.010.

YY. "Waste" means waste as defined in section 25124 of the California Health and Safety Code.

SECTION 19. Section 12.52.020 is hereby amended to read as follows:

12.52.020 ~~Hazardous waste license~~Unified program facility permit
required.

Every person, business, or business concern within the jurisdiction of the LACoCUPA in accordance with the provisions of Chapter 6.11 of Division 20 of the California Health and Safety Code which is a hazardous waste generator or which is handling hazardous waste, except solely as a transporter, or except when engaging in other handling of hazardous waste the permitting and regulation of which is within the sole jurisdiction of the state or federal government, shall be required annually to obtain from the LACoCUPA a unified program facility permit in accordance with Chapter 12.50 of this code. Every person, business, or business concern shall apply for the unified program facility permit and pay any permit fees as required by this chapter before generating or handling hazardous waste. The permit required under this section shall be posted and conspicuously displayed at the location where the hazardous waste is generated or otherwise handled.

SECTION 20. Section 12.52.025 is hereby amended to read as follows:

12.52.025 ~~Permit--~~**Application requirements.**

Every person, business, or business concern applying for the unified program facility permit required by this chapter shall file an application with the chief, upon a form to be provided by the chief, in accordance with the provisions of Chapter 12.50 of the county code and pay the required fee and any applicable past-due fees or late payment penalty.

SECTION 21. Section 12.52.030 is hereby amended to read as follows:

12.52.030 Fee exemption--Charitable institutions.

Any person, business, or business concern which conducts, exclusively for charitable purposes, an activity for which a ~~license~~unified program facility permit is required under this chapter and from which no person benefits through the distribution of profits, payment of excessive charges or compensation, or the more advantageous pursuit of their business or profession shall not be charged any fee for such ~~license~~permit. Facts showing entitlement to such exemption from a fee requirement shall be shown by affidavit filed with the forester and fire warden.

A person, business, or business concern which conducts an activity for which a ~~license~~permit is required by this chapter shall be deemed to qualify for a no-fee ~~license~~permit if it complies with ~~S~~section 214 of the California Revenue and Taxation Code as now or hereafter amended.

SECTION 22. Section 12.52.040 is hereby amended to read as follows:

12.52.040 Permit--Period of validity--Renewals.

Unified program facility permits for the hazardous waste program element required by this chapter shall be issued for ~~a period of one~~each billing year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date contained in the invoice for each such year, of the fees assessed pursuant to Section 12.52.070 of this chapter, or upon payment of such fees plus any late payment penalty imposed pursuant to Section 12.52.080 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Unified

program facility permits shall be deemed to have expired if payment of the renewal fees and applicable penalties has not been made on or before the delinquency date of the invoice as defined in Section 12.50.055 of this code.

SECTION 23. Section 12.52.045 is hereby amended to read as follows:

12.52.045 License~~Permit~~--Fictitious name restrictions.

A ~~hazardous waste license~~unified program facility permit may be issued pursuant to this chapter to a person, business, or business concern duly authorized to transact business in this State, or to a person, business, or business concern operating under a fictitious name who has complied with all of the provisions of ~~Sections~~ 17900 et seq. of the California Business and Professions Code and of any statute superseding or taking the place of such code sections. Otherwise, all such ~~licenses~~permits shall be issued in the true name of the person, business, or business concern applying therefor. Except as above provided, no business so ~~licensed~~permitted may operate under a fictitious name.

SECTION 24. Section 12.52.055 is hereby amended to read as follows:

12.52.055 Reissuance of a license~~lost~~ permit.

Where a ~~hazardous waste license~~unified program facility permit has been lost or a change of ownership of the licensee has occurred, the chief shall issue a duplicate license~~permit~~ to the owner thereof upon submittal of a complete application pursuant to Section 12.50.080 and, in addition to any other requirements in this chapter, upon payment of all required and past due fees and penalties, and payment of a \$15.00 license~~permit~~ reissuance fee.

SECTION 25. Section 12.52.060 is hereby amended to read as follows:

12.52.060 Operating without a valid permit.

No person, business, or business concern shall engage in, conduct, manage, or carry on any business or other activity for which a unified program facility permit is required under this chapter if:

A. They have not obtained a unified program facility permit for such business or activity pursuant to the provisions of this chapter and paid the required permit-fees and penalties; or

B. The permit has expired or has been suspended or revoked.

SECTION 26. Section 12.52.070 is hereby amended to read as follows:

12.52.070 Fees to be paid by hazardous waste generators.

...

D. Beginning with the 2000-2001 fiscal year, the schedule of fees contained in this section may be adjusted annually by the following procedures:

1. **Hazardous Waste Generator Fees.** Hazardous waste generator fees shall be determined based on the annualized cost to the forester and fire warden to administer the hazardous waste generator program, where annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to administer and implement the hazardous waste generator program calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller. The annualized cost shall be reallocated among hazardous waste generators based upon the number of hazardous waste generators in each fee group.

2. Tiered Permit Program Fees. Fees for the Tiered permit feesprogram shall be determined based on the annualized cost to the forester and fire warden to administer the tiered permit program, where annualized cost is defined as the annual salaries, employee benefits, and overhead for the personnel assigned to administer and implement the tiered permit program calculated from rates contained in the forester and fire warden's rate package, as approved by the auditor-controller. The annualized cost shall be reallocated among hazardous waste generators conducting treatment of hazardous waste under the tiered permit program based upon the number of ~~permittees in~~ facilities falling within each fee group.

...

SECTION 27. Section 12.52.075 is hereby amended to read as follows:

12.52.075 License~~Permit~~--Delinquency date.

"Delinquency date" means the ~~thirty~~sixty-first day after the date of ~~the~~ invoice for ~~(A) payment of a license renewal fee, or (B) for payment of a fee for issuance of license for a newly established activity~~ issued by the LACoCUPA for any of the fees assessed pursuant to this chapter. Invoice means any bill issued by the LACoCUPA for the fees assessed under this chapter.

SECTION 28. Section 12.52.085 is hereby amended to read as follows:

12.52.085 Late fee payment--~~Lien against licensee~~ authorized when.

If the fee and late fee as described in Section 12.52.080 of this chapter is not paid within ~~9~~30 days after the delinquency date, a certificate of lien may be recorded

against the ~~licensee~~permittee or person liable for payment of such fee(s) and any late payment penalty as authorized by ~~Section~~ 101345 of the California Health and Safety Code.

SECTION 29. Section 12.52.095 is hereby amended to read as follows:

12.52.095 **Operating without a ~~license~~permit--Injunctive relief.**

Any person violating Section 12.52.020, 12.52.040, or 12.52.060 of this chapter, may be enjoined from such violation by any court of competent jurisdiction. The remedy provided by this section is additional to and cumulative with any other remedy provided by law.

SECTION 30. Section 12.52.105 is hereby amended to read as follows:

12.52.105 **Notice of violation in the handling of hazardous waste.**

If, in the judgment of the chief, the chief makes a preliminary determination that the person, business or business concern to whom a ~~hazardous waste license~~unified program facility permit has been issued may not be conducting the ~~licensed~~permitted activity in accordance with applicable statutes or minimum standards and regulations, the chief shall so notify such person, business, or business concern. The notice shall briefly describe the misconduct, shall specify a time and place of a hearing at which such person, business, or business concern will be afforded an opportunity to present evidence showing there has been no such misconduct, and shall state that failure to appear and present such evidence may result in suspension or revocation of the ~~license~~permit.

SECTION 31. Section 12.52.110 is hereby amended to read as follows:

**12.52.110 Suspension or revocation of ~~hazardous waste~~
~~license~~unified program facility permit.**

A. A ~~hazardous waste license~~unified program facility permit with respect to which notice has been given pursuant to Section 12.52.105 is subject to suspension or revocation as follows:

1. The chief shall conduct the hearing specified in the notice. The hearing shall be informal and shall not be governed by the rules of evidence applicable to courts of law. The person, business, or business concern to whom the ~~license~~permit was issued, shall have the right to present relevant evidence at the hearing. A deputy health officer may, but need not, present relevant evidence. Before the conclusion of the hearing, the chief may, but need not, permit other persons to present relevant evidence. At the conclusion of the hearing, or within a reasonable time thereafter, the chief shall determine, based upon the evidence presented at the hearing, whether the suspected failure identified in the notice has occurred. The determination of the chief shall be final and conclusive. Such determination shall be in writing and contain a brief statement of the findings of fact upon which the determination is based. If the determination is that the suspected failure identified in the notice has occurred, the chief shall suspend or revoke the ~~license~~permit. The chief shall, however, have the discretion not to suspend or revoke the ~~license~~permit if the chief determines that the failure was not willful, is not ongoing, and is not likely to recur.

Any hazardous waste generation or handling for which a ~~hazardous waste~~
~~license~~unified program facility permit has been suspended or revoked, shall be
discontinued immediately and shall not be restarted until the suspended ~~license~~permit
has been reinstated or the revoked ~~license~~permit reissued.

A suspended ~~license~~permit may be reinstated or a revoked ~~license~~permit
reissued if the chief determines that conditions which prompted the suspension or
revocation no longer exist.

2. The chief may suspend a ~~license~~permit prior to the hearing when
the chief determines that such action is necessary to protect the public health and
safety, domestic livestock, or wildlife from clear and imminent danger. The chief shall
promptly notify the person, business, or business concern to whom the ~~license~~permit
was issued of such suspension or the lifting of any suspension and the reasons for such
action. Unless lifted prior to the revocation hearing the suspension may remain in effect
until the chief makes a final determination based upon the revocation hearing.

Any hazardous waste generation or handling for which a hazardous waste
license has been suspended, shall be discontinued immediately and shall not be
restarted until the suspension of the ~~license~~permit has been lifted or a new
~~license~~permit has been issued.

B. This section shall not deprive the chief or the county of authority to pursue
any other action or remedy otherwise available to them under the law.

SECTION 32. Section 12.52.115 is hereby amended to read as follows:

12.52.115 LicensePermit issuance and accounting duties.

The forester and fire warden shall follow all Los Angeles County auditor-controller requirements regarding the handling and issuing of ~~licenses~~permits.

SECTION 33. Section 12.52.130 is hereby amended to read as follows:

12.52.130 Minor errors in payments.

In the event a discrepancy exists between the amount of the fee paid and the amount of the fee due, resulting in an underpayment or an overpayment of the fee in the amount of \$5.00, or less, the chief may accept and record such underpayment or overpayment without other notification to the ~~licensee~~permittee or the ~~license~~permit applicant.

SECTION 34. Section 12.52.135 is hereby amended to read as follows:

12.52.135 Refunds.

The Los Angeles County auditor-controller may refund to the ~~licensee~~permittee any moneys collected pursuant to this chapter because of excess, erroneous, or double payment, if the ~~licensee~~permittee files a proper claim with the forester and fire warden.

SECTION 35. Section 12.52.140 is hereby amended to read as follows:

12.52.140 Disputes and appeals of assessed license-fee.

Any dispute or appeal of the amount or applicability of any fee required to be paid pursuant to Section 12.52.040, 12.52.060, 12.52.070₁ or 12.52.080 of this chapter shall be handled in accordance with the procedures for handling disputes and appeals of

unified program facility permit-fees specified in Section 12.50.140 of Chapter 12.50 of the eCounty eCode.

SECTION 36. Section 12.56.067 is hereby amended to read as follows:

12.56.067 Late payment--Lien against ~~property~~person authorized when.

If any charge and late payment penalty imposed pursuant to this Chapter 12.56 is not paid within 4260 days after the date of the first invoice requesting payment of the charge, a certificate of lien, as authorized by Ssection 101345 of the California Health and Safety Code, may be recorded against any person whose intentional or negligent action caused the incident as described in Section 12.56.020.

SECTION 37. Section 12.60.062 is hereby amended to read as follows:

12.60.062 Late payment--Lien against responsible party or person requesting oversight authorized when.

If any fee and late payment penalty imposed pursuant to this Chapter 12.60 is not paid within 4260 days after the date of the first invoice requesting payment of the fee, a certificate of lien, as authorized by Ssection 101345 of the California Health and Safety Code, may be recorded against the responsible party or person requesting oversight, as specified in Section 12.60.050.

SECTION 38. Section 12.64.010 is hereby amended to read as follows:

12.64.010 Definitions.

The following definitions govern the construction of this chapter:

...

K. "Permittee" shall have the same meaning as defined in Section 12.50.010.

KL. "Process" means any activity involving a regulated substance, including any use, storage, manufacturing, handling, or onsite movement of the regulated substance or any combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located so that a regulated substance could be involved in a potential release, shall be considered a single process.

LM. "Qualified person" means a person who is qualified to attest, at a minimum, to the completeness of an RMP.

MN. "Regulated substance" or "RS" means any substance as defined in Section 25532(g) of the Act.

NO. "Regulated substances accident risk" means a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

OP. "Risk management plan" or "RMP" means the risk management plan required under Part 68 (commencing with Section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations and the California Health and Safety Code, Chapter 6.95, Article 2.

PQ. "State threshold quantity" means the quantity of a regulated substance adopted by the State Office of Emergency Services pursuant to Section 25543.1 or 25543.3 of the Act. Until the office adopts a state threshold quantity for a regulated

substance, the state threshold quantity shall be the threshold planning quantity for the regulated substance specified in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

QR. "Stationary source" means any stationary source, as defined in Section 68.3 of Title 40 of the Code of Federal Regulations.

RS. "Threshold quantity" or "TQ" means the quantity of a regulated substance that is determined to be present at a stationary source in the manner specified in Section 68.115 of Title 40 of the Code of Federal Regulations and that is the lesser of either of the following:

1. The threshold quantity for the regulated substance specified in Section 68.130 of Title 40 of the Code of Federal Regulations;
2. The state threshold quantity.

T. "Unified program facility permit" shall have the same meaning as defined in Section 12.50.010.

SECTION 39. Section 12.64.025 is hereby added to read as follows:

12.64.025 Permit--Application requirements.

Every person, business, or business concern within the jurisdiction of the LACoCUPA falling within the requirements of this Chapter shall be required annually to obtain from the LACoCUPA a unified program facility permit in accordance with Chapter 12.50 of this code and pay any fees as required by this Chapter before handling hazardous materials.

SECTION 40. Section 12.64.030 is hereby amended to read as follows:

12.64.030 Compliance required.

Every business shall comply with reporting requirements as set forth by the county administering agency relating to hazardous materials, regulated substances and stationary sources under the Act.

A. The required reporting includes:

...

4. Certification by the handler of review and revision of the business plan ~~biannually prior to January 1st~~ triennially, by the date established by the administering agency, pursuant to ~~S~~section 25505(c) of the Act;

...

SECTION 41. Section 12.64.065 is hereby amended to read as follows:

12.64.065 Late payment penalty.

If any fee required to be paid pursuant to Sections 12.64.040 through 12.64.060 of this chapter is not paid prior to the ~~36~~31st day after the date of the first invoice requesting payment of the fee, in addition to such fee, the handler shall pay a penalty equal to 40 percent of the total assessed fee(s). Date of payment is determined by postmark date.

SECTION 42. Section 12.64.067 is hereby amended to read as follows:

12.64.067 **Late fee payment--Lien against licensee authorized when.**

If any fee and late fee required to be paid by this chapter are not paid within 4260 days after the date of the first invoice requesting payment of the fee, a certificate of lien may be recorded against the licensee permittee or person liable for payment of such fee(s) and any late payment penalty as authorized by Section 101345 of the California Health and Safety Code.

SECTION 43. Section 12.64.075 is hereby added to read as follows:

12.64.075 **Permit--Period of validity--Renewals.**

Unified program facility permits for the hazardous materials program element required by this chapter shall be issued for a period of one year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date contained in the invoice for each such year, of the fees assessed pursuant to Sections 12.64.040 and 12.64.050 of this chapter, or upon payment of such fees plus any late payment penalty imposed pursuant to Section 12.64.065 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Unified program facility permits shall be deemed to have expired if payment of the renewal fees and applicable penalties has not been made on or before the delinquency date of the invoice. The delinquency date is defined as the 31st day after the date of the invoice.

SECTION 44. Section 12.64.080 is hereby amended to read as follows:

12.64.080 Disputes and appeals of assessed fee.

Any dispute or appeal of the fees and late fees described in Sections 12.64.040, 12.64.050, 12.64.060, and 12.64.065 of this chapter shall be handled in accordance with the procedures for handling disputes and appeals of unified program facility-permit fees specified in Section 12.50.140 of Chapter 12.50 of the eCounty eCode.

SECTION 45. Section 12.64.095 is hereby added to read as follows:

12.64.095 Re-issuance of a lost permit.

Where a unified program facility permit has been lost, the chief shall issue a duplicate permit to the owner thereof upon submittal of a complete application and, in addition to any other requirements in this chapter, payment of all required and past due fee and penalties, and payment of a \$15.00 permit re-issuance fee.

[FDHHMDSKCC]

**NOTICE OF PUBLIC HEARING
PROPOSED CHANGES TO BILLING AND FEE PROCEDURES**

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Los Angeles regarding an ordinance to amend Title 12 - Environmental Protection of the County Code to revise annual billing procedures and make other changes related to the annual permit fees to be paid by businesses generating hazardous waste or handling hazardous materials in Los Angeles County.

Said hearing will be held on Tuesday, September 23, 2008 at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

The Board of Supervisors will consider and may adopt the fee ordinance. Further, notice is given that the Board of Supervisors may continue this hearing from time to time.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call (323) 890-4045.

Si no entiende esta noticia o si necesita mas informacion favor de llamar a este numero (323) 890-4045.

SACHI A. HAMAI
EXECUTIVE OFFICER – CLERK OF
THE BOARD OF SUPERVISORS

NOTICE OF INSTRUCTIONS

Section 66018 of the California Government Code requires that when there is an increase of an existing fee, a local agency shall hold a public meeting as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062(a). Section 6062(a) states that publication of notice pursuant to this section shall be for 10 days in a newspaper regularly published once a week or more often. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

Therefore, the Los Angeles County Fire Department, Health Hazardous Materials Division, respectfully requests that the Executive Office of the Board of Supervisors publish the provided Notice of Public Hearing Proposed Changes to Billing and Fee Procedures with the County's contract newspaper to be in compliance with the above sections of the Government Code.